

CHAPTER NO. 558

SENATE BILL NO. 3452

By Haynes, Crutchfield

Substituted for: House Bill No. 2311

By McMillan, Head, Langster, DuBois, Coleman

AN ACT to amend Tennessee Code Annotated, Title 50, Chapter 3, relative to occupational safety and health.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 50-3-302, is amended by adding the following new subsection thereto:

(d) The name, job title and other information that may be used to identify a witness who is interviewed during the course of an investigation shall be considered confidential and shall not be a public record pursuant to Title 10, Chapter 7.

SECTION 2. Tennessee Code Annotated, Section 50-3-908, is amended by deleting such section in its entirety and by substituting instead the following:

Section 50-3-908. (a) Whenever the commissioner has reason to believe that an agency or department is failing reasonably to abide by the provisions of §§ 50-3-906 - 50-3-913, the commissioner may issue to the head of such agency or department a written notification stating in what respects the agency or department has not adequately met its responsibilities.

(b) If the agency or department does not advise the commissioner within twenty (20) days of its intention to contest such notification, the commissioner shall submit a copy of such notification to the governor, together with a request that such action be taken as will bring such agency or department into compliance with the provisions of this chapter.

(c) If, within twenty (20) days of receipt of notification, the agency or department advises the commissioner of its intention to contest the notification, the commissioner shall promptly so notify the commission, which shall afford opportunity for a hearing and shall thereafter issue to the governor its findings of fact and recommendations for action.

SECTION 3. Tennessee Code Annotated, Section 50-3-910, is amended by deleting subsection (b) in its entirety and substituting instead the following:


(b) On or before July 1, 2006 (or in the case of local governments created after July 1, 2004, within two (2) years following the creation of such government) each local government shall elect whether to:

- (1) Be treated as a private employer; or
- (2) Develop its own program of compliance.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 12, 2004


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 22nd day of April 2004


PHIL BREDEZEN, GOVERNOR